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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN THE DISTURBED AREAS (AMENDMENT) BILL, 2021.

GUJARAT BILL NO. 9 OF 2021.

A BILL

*further to amend the Gujarat Prohibition of Transfer of Immovable Property
and Provision for Protection of Tenants from Eviction from premises in
Disturbed Areas Act, 1991.*

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2021.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 15th October, 2020.

Amendment of section 16B of Guj. 12 of 1991.	<p>2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in Disturbed Areas Act, 1991 (hereinafter referred to as “the principal Act”), in section 16B,-</p> <p>(1) in sub-section (1), for the words “in the specified area”, the words “in the disturbed area” shall be substituted;</p> <p>(2) in sub-section (2), for the words “in the specified area”, the words “in the disturbed area” shall be substituted;</p> <p>(3) in sub-section (4),-</p> <p>(a) for the words and figures “the Indian Registration Act, 1908”, the words and figures “the Registration Act, 1908”, shall be substituted;</p> <p>(b) for the words “in the specified area”, the words “in the disturbed area” shall be substituted.</p>	<p>Guj. 12 of 1991.</p> <p>XVI of 1908.</p> <p>XVI of 1908.</p>
Amendment of section 16D of Guj. 12 of 1991.	<p>3. In the principal Act, in section 16D, in the Schedule, at Sr. No. 1, in column (2), for the words and figures “The Indian Registration Act, 1908”, the words and figures “The Registration Act, 1908”, shall be substituted.</p>	<p>XVI of 1908.</p> <p>XVI of 1908.</p>

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 prohibits the transfer of immovable property in the disturbed areas of the State. During the implementation of the said Act in the State, it was experienced that in many cases properties are transferred in contravention of the provisions of the Act and unscrupulous persons come in illegal possession thereby. In order to curb such illegal transfers of immovable property, and to protect the interest of the lawful owners, it was considered necessary to amend the aforesaid Act and for that purpose, the said Act of 1991 has been amended vide the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019 (Guj. 17 of 2020). New section 16B has been inserted vide the said amending Act of 2020. In the said section 16B, in sub-sections (1), (2) and (4), the words “specified area” have been mentioned instead of the words “disturbed area”. This

may create ambiguity and is therefore, required to be suitably amended. Accordingly, necessary amendments have been made in said section 16B. *Clause 2* of the Bill provides for the same. It is also considered necessary to amend sub-section (4) of section 16B and the Schedule appended to section 16D so as to omit the word “Indian” from the short title of the Central Act No. XVI of 1908 *i.e.* Registration Act, 1908. *Clause 3* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 12th March, 2021.

KAUSHIK PATEL.

By order and in the name of the Government of Gujarat,

Gandhinagar.

Dated the 15th March, 2021.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.
